



to-wit:

- (1) Burglary, Third Degree (Case No. CC 00-346);
- (2) Burglary, Third Degree (Case No. CC 00-347);
- (3) Burglary, Third Degree (Case No. CC 00-348);
- (4) Burglary, Third Degree (Case No. CC 00-349);
- (5) Burglary, Third Degree (Case No. CC 00-350);
- (6) Burglary, Third Degree (Case No. CC 00-351);
- (7) Burglary, Third Degree (Case No. CC 00-352);
- (8) Burglary, Third Degree (Case No. CC 00-353);
- (9) Burglary, Third Degree (Case No. CC 00-354); and
- (10) Burglary, Third Degree (Case No. CC 00-355);

did knowingly possess in and affecting commerce a firearm, namely, a Bryco Arms, Model Jennings Nine, 9 millimeter semi-automatic pistol, bearing serial number 1497844, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 3

1. The allegations contained in Count 1 of the Indictment are hereby realleged in Count 3, as if fully set forth herein.

2. On or about the 31st day of May, 2003, in Pike County, Alabama, within the Middle District of Alabama,

ADRIAN MOULTRY,

the defendant herein, did knowingly use and carry a firearm, namely a Bryco Arms, Model Jennings Nine, 9 millimeter semi-automatic pistol, bearing serial number 1497844, during and in relation to,

and did knowingly possess said firearm in furtherance of, a drug trafficking crime for which he may be prosecuted in a court of the United States, namely the drug trafficking crime charged in Count 1 of this Indictment, all in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION

A. Counts 2 and 3 of this Indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Sections 922(g)(1), as alleged in Count 2 of this Indictment, and upon conviction for the violation of Title 18, United States Code, Section 924(c)(1)(A), as alleged in Count 3 of this Indictment, the defendant,

ADRIAN MOULTRY,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following: one (1) Bryco Arms, Model Jennings Nine, 9 millimeter semi-automatic pistol, bearing serial number 1497844.

C. If any of the property described in this forfeiture allegation, as a result of any act an omission of the defendant

(1) cannot be located upon the exercise of due diligence;

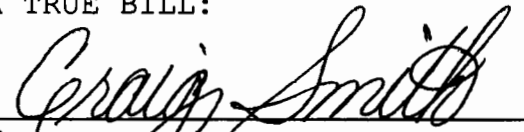
(2) has been transferred, sold to, or deposited with a third person;


(3) has been placed beyond the jurisdiction of the court;

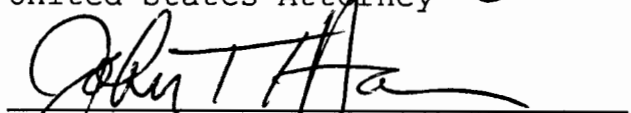
(4) has been substantially diminished in value; or,


(5) has been commingled with other property which cannot be divided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in paragraph B above, all in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 924(d).

A TRUE BILL:

  
Foreperson

  
LEURA GARRETT CANARY  
United States Attorney

  
JOHN T. HARMON  
Assistant United States Attorney

  
MATTHEW S. MINER  
Assistant United States Attorney